

Notice of Allowability

Application No.

10/500,149

Examiner

MAHESH DWIVEDI

Applicant(s)

HERZOG, MICHAEL

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/2012.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 19-22, 25-28, and 30-36 (now renumbered as claims 1-15).
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4/26/2012.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/MAHESH DWIVEDI/
Primary Examiner, Art Unit 2168

DETAILED ACTION

Response to Amendment

1. Receipt of the Applicant's Amendment filed on 02/27/2012 is acknowledged. The amendment includes the cancellation of claims 1-18 and 29.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative Mr. Felix D'Ambrosio (Reg. No 25,721) on April 26, 2012.

4. The application has been amended as follows:

In Claim 19, after "electronically querying the manufacturing database and the customer database on the basis of maintenance criteria, whereby the query determines the optimal stock of the spare parts or consumable materials inventory for the maintenance strategy" **insert** "; wherein: the database querying yields a maintenance plan; and wherein: the maintenance plan is stored in a maintenance database and every separate point of the maintenance plan is confirmed or modified by the customer before the storing".

Cancel Claim 23.

Cancel Claim 24.

Allowable Subject Matter

5. Claims 19-22, 25-28, and 30-36 are allowed and now renumbered as claims 1-15.

Reasons for Allowance

6. The following is an examiner's statement for reasons for allowance:

Prior art fails to teach a combination of partly, or completely, connecting said field devices over a data bus with a control system, whereby each field device determines or controls a process variable; electronically registering the field devices in a manufacturer database with a manufacturer-specific identification and manufacturer-specific information relevant for the maintaining of the production installation, whereby the manufacturer-specific information is only accessible to the manufacturer and whereby the manufacturer-specific information contains information about spare-parts or information when the production of each of the field devices will end; electronically registering the field devices in a customer database with a customer-specific identification and customer-specific information, whereby the customer-specific information is only accessible to the customer; and electronically querying the manufacturing database and the customer database on the basis of maintenance criteria, whereby the query determines the optimal stock of the spare parts or consumable materials inventory for the chosen maintenance strategy; and

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wherein: the database querying yields a maintenance plan; and wherein: the maintenance plan is stored in a maintenance database and every separate point of the maintenance plan is confirmed or modified by the customer before the storing, as recited in independent claim 19.

Specifically, the prior art generally housing a database that stores customer data, but fails to teach the claimed maintenance strategy that uses specific language that every single point of that plan is confirmed or modified by a customer before being stored in a database.

These features, together with the other limitations of the independent claims are novel and non-obvious over the prior art of record. The dependent claims 20-22, 25-28, and 30-36 as being definite, enabled by the specification, and further limiting to the independent claim, are also allowable.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fred Ehichioya can be reached (571) 272-4034. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mahesh Dwivedi
Patent Examiner
Art Unit 2168

April 30, 2012
/MAHESH DWIVEDI/
Primary Examiner, Art Unit 2168